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Attorney Docket P5007R1

PATENT

CERTIFICATION UNDER 37 CFR 1.10

EL 895 375 382 US: Express Mail Number

August 14, 2001: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

Teri Renshaw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
Assistant Commissioner of Patents  
Washington, D.C. 20231

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Wei-Qiang Gao, Palo Alto, CA  
Paul Polakis, Burlingame, CA  
Jianying Shou, Fremont, CA  
Victoria Smith, Burlingame, CA  
Robert Soriano, San Francisco, CA  
P. Mickey Williams, Half Moon Bay, CA  
Thomas D. Wu, San Francisco, CA  
Zemin Zhang, Foster City, CA

Title: COMPOSITIONS AND METHODS FOR THE DIAGNOSIS AND TREATMENT OF TUMOR

1. Type of Application

- [ ] This application is for an original, non-provisional application.
- [ ] This is a non-provisional application claiming priority to provisional application no. \_\_, filed \_\_, the entire disclosure of which is hereby incorporated by reference.
- [X] This is a [X] continuation application claiming priority to application Serial Numbers: 60/089,653 filed June 17, 1998; 60/090,355 filed June 23, 1998; 60/104,257 filed October 14, 1998; 60/119,537 filed February 10, 1999; 60/141,037 filed June 23, 1999; 60/145,698 filed July 26, 1999; 60/162,506 filed October 29, 1999; PCT/US99/12252 filed June 2, 1999; PCT/US99/20111 filed September 1, 1999; PCT/US99/28634 filed December 1, 1999; PCT/US99/28551 filed December 2, 1999; PCT/US00/00219 filed January 5, 2000; PCT/US00/00376 filed January 6, 2000; PCT/US00/04342 filed February 18, 2000; PCT/US00/08439 filed March 30, 2000; PCT/US00/13705 filed May 17, 2000; PCT/US00/23328 filed August 24, 2000; PCT/US01/06520 filed February 28, 2001; PCT/US01/20118 filed June 22, 2001; 09/888,257 filed June 22, 2001, the entire disclosures of which are hereby incorporated by reference.

2. **Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b)**  
(Non-provisional )

112 pages of specification  
2 pages of claims  
1 page(s) of abstract  
8 sheet(s) of drawings  
☒ formal ☐ informal

3. **Declaration or Oath**

*(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)*  
X An executed declaration of the inventor(s) ☒ is enclosed (Unsigned) ☐ will follow.

*(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*  
 \_\_\_ A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

*(for Cont./Div. where inventor(s) being deleted)*  
 \_\_\_ A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. **Assignment**

*(for new and CIP applications)*  
X An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☒ will follow.

*(for cont./div.)*  
 \_\_\_ The prior application is assigned of record to Genentech, Inc.

5. **Amendments (for continuation and divisional applications)**

\_\_\_ Cancel in this application original claims \_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

\_\_\_ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119**

X Amend the specification by inserting before the first line the sentence:

~~/~~ This is a continuation of applications

X U.S. Serial Number 09/888,257 filed June 22, 2001, which application is incorporated herein by reference and to which application priority is claimed under 35 USC §120 and

AA1

- X PCT International Application Serial Numbers: PCT/US99/12252 filed June 2, 1999; PCT/US99/20111 filed September 1, 1999; PCT/US99/28634 filed December 1, 1999; PCT/US99/28551 filed December 2, 1999; PCT/US00/00219 filed January 5, 2000; PCT/US00/00376 filed January 6, 2000; PCT/US00/04342 filed February 18, 2000; PCT/US00/08439 filed March 30, 2000; PCT/US00/13705 filed May 17, 2000; PCT/US00/23328 filed August 24, 2000; PCT/US01/06520 filed February 28, 2001; PCT/US01/20118 filed June 22, 2001, which designated the U.S., which applications are incorporated herein by reference and to which applications priority is claimed under 35 USC §120 and
- X U.S. Provisional Application Numbers: 60/089,653 filed June 17, 1998; 60/090,355 filed June 23, 1998; 60/104,257 filed October 14, 1998; 60/119,537 filed February 10, 1999; 60/141,037 filed June 23, 1999; 60/145,698 filed July 26, 1999; 60/162,506 filed October 29, 1999, the entire disclosure of which is hereby incorporated by reference and to which applications priority is claimed under 35 USC §119.-/.

#### 6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

| CLAIMS FOR FEE CALCULATION          |    |              |   |            |                             |
|-------------------------------------|----|--------------|---|------------|-----------------------------|
| Number Filed                        |    | Number Extra |   | Rate       | Basic Fee<br>37 CFR 1.16(a) |
|                                     |    |              |   |            | \$710.00                    |
| Total Claims                        | 15 | - 20 =       | 0 | X \$18.00  | \$0.00                      |
| Independent Claims                  | 1  | - 3 =        | 0 | X \$80.00  | \$0.00                      |
| Multiple dependent claim(s), if any |    |              |   | + \$270.00 | \$0.00                      |
| Filing Fee Calculation              |    |              |   |            | \$710.00                    |

#### 7. Method of Payment of Fees

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$710.00. **A duplicate copy of this transmittal is enclosed.**

#### 8. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

#### 9. Additional Papers Enclosed

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☒ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- ☐ A new Power of Attorney or authorization of agent.
- ☒ Other: Post card.

**10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

\_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until  
\_\_\_\_\_ A copy of the petition for extension of time in the **prior** application is attached.

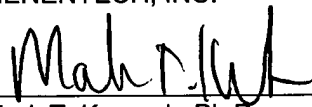
**11. Correspondence Address:**

X Address all future communications to:

Attn: Mark T. Kresnak, Ph.D.

Respectfully submitted,  
GENENTECH, INC.

By: \_\_\_\_\_

  
Mark T. Kresnak, Ph.D.  
Reg. No. 42,767  
Telephone No. (650) 225-4461

Date: August 14, 2001



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|   |  |
|---|--|
| In re Application of<br><br>Gao, et al.<br><br>Serial No.: Filed herewith<br><br>Filed: Filed herewith<br><br>For: <i>COMPOSITIONS AND METHODS<br/>FOR THE DIAGNOSIS AND<br/>TREATMENT OF TUMOR</i> | Group Art Unit: Unknown<br><br>Examiner: Unknown<br><br>Express Mail Number: EL 895 375 382 US<br>Filed on August 14, 2001 |
|---|--|

**CERTIFICATE RE: SEQUENCE LISTING**

**RESPONSE UNDER 37 CFR § 1.821(f) and (g)**

Box: Patent Application  
Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

I hereby state that the Sequence Listing submitted herewith is submitted in paper copy and a computer-readable diskette, and that the information recorded in computer readable form is identical to the written sequence listing. I further state that this submission includes no new matter.

Respectfully submitted,

GENENTECH, INC.

By: 

Mark T. Kresnak, Ph.D.

Reg. No. 42,767

Telephone No. (650) 225-4461



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